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and Westgate Las Vegas Resort, LLC

d/b/a Westgate Las Vegas Resort

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MELISSA SOLIS, individually,

Plaintiff,

v.

WESTGATE RESORTS, INC., a Delaware
Corporation; WESTGATE LAS VEGAS
RESORT, LLC d/b/a WESTGATE LAS
VEGAS RESORT, a DOE INDIVIDUALS,
I-X; and ROE CORPORATIONS I-X,
inclusive,

Defendants.

CASE NO. :

**DEFENDANTS' NOTICE OF REMOVAL OF
ACTION TO FEDERAL COURT PURSUANT TO
U.S.C §1441(b)**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:

Defendants WESTGATE RESORTS, INC. AND WESTGATE LAS VEGAS RESORT,
LLC d/b/a WESTGATE LAS VEGAS RESORT by and through their attorney of record, Larry
Lum, Esq, Karen L. Bashor, Esq. and Chris J. Richardson, Esq., of the law firm of Wilson, Elser,
Moskowitz, Edelman & Dicker LLP, petitions this Court for the removal of a pending action in the
District Court of the State of Nevada in and for the County of Clark, to the United States District
Court for the District of Nevada at Las Vegas, pursuant to 28 USC §1441(b), *et seq.*

As part of this Petition, Defendant/Petitioner demonstrates the following to the Court:

1 1. Plaintiff commenced this matter in the Eighth Judicial District Court, Clark County,
2 State of Nevada, in Case No. A-22-850685, when she filed the Complaint on April 5, 2022. *See*
3 Plaintiff's Summons and Amended Complaint setting forth her claims for relief is attached hereto
4 as **Exhibit A**.

5 2. Defendant Westgate Las Vegas Resort, LLC d/b/a Westgate Las Vegas Resort was
6 served with the Summons and Complaint on April 6, 2022 by service through its resident agent.
7 *See* Notice of Service of Process dated April 6, 2022, along with the Summons and the proof of
8 service attached as **Exhibit B**. Defendant Westgate Resorts, Inc. was also served with the Summons
9 and Complaint April 6, 2022 by service through its resident agent. *See* Notice of Service of Process
10 dated April 6, 2022, along with the Summons and the proof of service attached as **Exhibit C**.

11 3. Based on the Complaint, Plaintiff Melissa Solis claims she was injured during a July
12 17, 2022 alleged slip and fall at the Westgate Hotel and Casino. Plaintiff is suing for negligence
13 and negligent hiring, training and supervision against both defendants (*See Exhibit A* at ¶¶15-26)

14 4. Although her Amended Complaint is silent as to her domicile, Plaintiff Melissa Solis
15 is a resident of the State of California. Solis was a guest of the Westgate Hotel and Casino and
16 presented a California driver's license. All of her medical treatment occurred in California with
17 California medical providers.

18 5. Defendant Westgate Las Vegas Resort, LLC is a Delaware limited liability company.
19 Defendant Westgate Las Vegas Resort, Inc. is a Delaware corporation. *See* Complaint, ¶2, attached
20 as **Exhibit A**.

21 6. Plaintiff claims that she sustained injuries incurred as a result of a slip and fall at the
22 Westgate Hotel Resort and Casino. She is claiming "permanent and disabling" injuries to her
23 lumbar spinal region, left knee, regional pain in her left lower limb, right shoulder bursitis, right
24 shoulder impingement, left ankle fusion, anxiety disorder, cervical ligament sprain, strain in the
25 right back shoulder, muscle spasms, among other injuries.

26 According to a pre-litigation demand letter served by Plaintiff, Plaintiff is claiming to have
27 incurred past medical expenses of \$90,845.24. She is also claiming total future medical expenses
28

1 in the range of \$158,480 - \$191,000. Alleged future medical treatment consists of facet injections,
2 joint injections, shoulder surgery, PRP injections and other consultation and diagnostic techniques.
3 Conservatively, she is seeking special damages in the amount of \$249,325.24, exclusive of any
4 potential general damages.

5 7. This Court has original jurisdiction over the subject matter of this action under the
6 provisions of section §1332 of Title 28 U.S.C., in that there is complete diversity between the
7 parties, and more than \$75,000.00 in controversy, exclusive of interest and costs. Pursuant to §1441
8 of Title 28 U.S.C., Defendant/Petitioners WESTGATE RESORTS, INC. AND WESTGATE LAS
9 VEGAS RESORT, LLC d/b/a WESTGATE LAS VEGAS RESORT are entitled to remove the
10 action to this Court.

11 8. A true and correct copy of this Notice of Removal is being filed this date with the
12 Clerk of the Court for the Eighth Judicial District Court of Clark County, Nevada and is attached
13 hereto as **Exhibit D**.

14 DATED this_27th_ day of April, 2022.

15 WILSON, ELSER, MOSKOWITZ,
16 EDELMAN & DICKER LLP

17 By: /s/ Karen L. Bashor

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27 Attorneys for Defendants Westgate Resorts, Inc.
28 and Westgate Las Vegas Resort, LLC
d/b/a Westgate Las Vegas Resort

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on this _27th_ day of April, 2022, I served a true and correct copy of the **DEFENDANTS' NOTICE OF REMOVAL of Action to federal court pursuant to 28 U.S.C §1441(b)**

as follows:

- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk
- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada

By:

/s/ Katie Brooks
An Employee of WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP